

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

R.J. WHITE CONSTRUCTION
COMPANY, INC., and RALPH J.
WHITE, IV,

Case No. 1:07-cv -486

Plaintiffs,

Hon. Wendell A. Miles
United States District Judge

v.

THE DRAKE GROUP, LTD.,
THE DRAKE GROUP MICHIGAN, LLC,
and UNION PIER COTTAGES, LLC,

Defendants.

R.J. WHITE CONSTRUCTION
COMPANY, INC., and RALPH J.
WHITE, IV,

Counter-Defendants,

v.

THE DRAKE GROUP, LTD.,

Counter-Plaintiff.

**ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE
AND REMAND TO THE BERRIEN COUNTY CIRCUIT COURT**

At session of the United States District Court, Western District of Michigan, held in the City of Grand Rapids, State of Michigan, this 28th day of June, 2007

PRESENT: HONORABLE WENDELL A. MILES
United States District Judge

Based upon reading and considering the attached Stipulation for Partial Dismissal and Remand by and between the parties hereto, by and through their respective attorneys of record, and the Court having been otherwise fully advised in the premises, now, therefore:

IT IS HEREBY ORDERED that Count V, Count VI, and Count VII of the Plaintiffs' Complaint are hereby dismissed without prejudice and without attorneys' fees or costs to any party, pursuant to the terms of the parties' stipulation filed on June 26, 2007.

IT IS HEREBY ORDERED that this case is remanded to the Berrien County Circuit Court.

IT IS SO ORDERED.

Dated: June 28, 2007

/s/ Wendell A. Miles

Hon. Wendell A. Miles